

# M E M O R A N D U M



## LAKE COUNTY FLORIDA

**To:** Board of County Commissioners  
**From:** Cindy Hall, County Manager  
**Date:** January 31, 2007  
**Subject:** Comprehensive Plan Update

---

This memorandum provides an update regarding the status of the Comprehensive Plan. The Florida Department of Community Affairs (DCA) has informed staff that they will allow Lake County to adopt the Comprehensive Plan amendments required by the Wekiva River Parkway Protection Act. The Department had previously returned the package of amendments transmitted in July 2006 because of the prohibition on the adoption of Comprehensive Plan amendments. The DCA has reconsidered their position on adoption of these amendments based upon the specific statutory requirement to adopt the amendments by December 2005. The amendment package will be scheduled for a transmittal hearing by the Board of County Commissioners (BCC) in March.

The Local Planning Agency (LPA) has voted to transmit the majority of the plan to the Board of County Commissioners (BCC) for review except for the Future Land Use Element and the Future Land Use Map. The LPA voted in November 2006 to establish a schedule to transmit the remaining items at the January 18, 2007 regular meeting. During meetings held in December and January, the LPA heard input from the municipalities and reviewed the Future Land Use Map in detail, and has scheduled three additional meetings in February to continue their review. At this time, the LPA has not established a new schedule for transmittal of the remaining items.

Lake County is currently not in compliance with the statutory requirements for comprehensive planning contained Ch. 163, Part II. Growth Management staff have expressed strong concern that this non-compliance has significant implications for the County's ability to comply with other statutory requirements related to the comprehensive plan and for transportation funding. The concerns include the effect on County policy priorities, the inability to put in place growth management tools required by the 2005 growth management legislation, and the delay in the update of the Land Development Regulations (LDRs).

One policy priority impacted by the comprehensive plan status is implementation of school concurrency. It was anticipated that adoption of a Public School Facilities Element would occur in 2007 as a result of Lake County's participation as a pilot community for school concurrency. However, adoption of the Element is delayed because of the prohibition on adoption of comprehensive plan amendments. Amendment of the LDRs to enact school concurrency will occur only after the element is adopted and becomes effective. The Board did adopt an interim school concurrency ordinance in September 2006; however it lacks the full authority of FS 163 to implement countywide concurrency.

The prohibition on adoption of comprehensive plan amendments means that certain other statutory requirements in the 2005 growth management legislation to amend the Plan cannot be met. These requirements include the adoption of a proportionate fair-share ordinance related to transportation concurrency. The proportionate fair-share ordinance creates a method by which development impacts can be mitigated by cooperative efforts of public and private sectors to improve roadways which are over capacity. While the Board did adopt the ordinance, implementation requires that the Capital Improvements Element (CIE) of the Comprehensive Plan include projects for which proportionate fair-share payments are made. We are not able to amend the CIE for this purpose since we cannot submit comprehensive plan amendments.

Other requirements related to the CIE include annual updates beginning in 2007 to demonstrate financial feasibility of the plan. The County must also incorporate the regional water supply plans in the CIE in 2007.

Transportation funding is another area potentially impacted by the status of the Comprehensive Plan. The Florida Statutes contain provisions requiring consistency between the MPO Long Range Transportation Plan, the Florida Department of Transportation Work Program and the local comprehensive plan. Lake County's adopted Comprehensive Plan has not been updated to reflect the MPO's long range plan or improvements scheduled for construction by FDOT. This lack of consistency may call into question transportation funding requests through the MPO or the FDOT.

County staff has scheduled a meeting in Tallahassee next week with Charles Gauthier, the Director of the State Division of Community Planning for the Department of Community Affairs. The purpose of the meeting will be to discuss Lake County's status with regard to the Comprehensive Plan and other statutory requirements. An update will be provided to the BCC regarding the outcome of this meeting.

c: Gregg Welstead, Deputy County Manager  
Sandy Minkoff, County Attorney  
Carol Stricklin, AICP, Growth Management Director